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**UNITED STATES DISTRICT COURT**

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**EASTERN DISTRICT OF TEXAS**

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ARNOLD HORTON, §  
§  
Plaintiff, §  
§  
versus § CIVIL ACTION NO. 1:07-CV-106  
§  
§  
BRAD LIVINGSTON, §  
§  
Defendant. §

**MEMORANDUM ORDER ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Arnold Horton, proceeding *pro se*, filed the above-styled civil rights lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The magistrate judge recommends this lawsuit be dismissed without prejudice for want of prosecution.

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. No objections were filed to the magistrate judge's Report and Recommendation.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered dismissing this lawsuit.

SIGNED at Beaumont, Texas, this 12th day of September, 2007.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE